Appendix III.

Vide **Answer to Question No. 323.**

Statement showing the amounts paid to the Chiefs of Edappalli, Poonjar and Kilimanoor every year.

1. *Edappalli.*

1. Rs. 57-14-4 on account of tobacco revenue.
2. Rs. 171-12-0 on account of customs revenue.
3. The *kist* collected from the contractors of arrack and toddy shops in the *Pakuthies* of Edappalli, Vazhacolam, Trikunnapuzha and Kalloopara on account of abkari revenue, which varies with the amount collected every year.
4. The sale proceeds of 1303 maunds and 24 seers of salt deducting therefrom the cost price of salt and the establishment and contingent charges on account of salt revenue.

A sum of Rs. 1,082-16-0 is deducted every year on account of subsidy for police protection.

II. *Poonjar.*

Rs. 71-12-0 on account of compensation in respect of abkari revenue.

III. *Kilimanoor.*

Rs. 77-9-8 on account of compensation in respect of abkari revenue.

Legislative Business.

THE TRAVANCORE HINDU WIDOWS' REMARRIAGE BILL.

SRIMATI T. NARAYANI AMMA (*Nominated*): Sir, I beg to present the report of the Select Committee on the Travancore Hindu Widows' Remarriage Bill and move that the Bill as reported be taken up for consideration.

MR. K. R. ELENKATH (*Kalkulam I*): I second it.

PRESIDENT: Moved and seconded that the Travancore Hindu Widows' Remarriage Bill be taken into consideration.

The motion was put to vote and carried.

Clause 1.

The question that Clause 1 do stand part of the Bill, was put to vote and carried.

The Clause was added to the Bill.

Clause 2.

MR. S. J. NAIR (*Nedumangad*): Sir, I move the following amendment:—

"In Clause 2, line 3, add the words "man or" between the words "the" "and woman."

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If this amendment is accepted Clause 2 would read thus:—

"Notwithstanding any custom and any interpretation of Hindu Law to the contrary, no marriage contracted between Hindus shall be invalid, and the issue of no such marriage shall be illegitimate, by reason of the man or woman having been previously married or betrothed to any other person who was dead at the time of such marriage."

The object of this Bill is to promote widow remarriage. If my amendment is accepted it would promote widow remarriage to a greater extent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is this Widows' Remarriage or Widowers' Remarriage Bill.

MR. S. J. NAIR (*Nedumangad*): This is Widows' Remarriage Bill and we want to legalise the issues of such marriages. Suppose A who has already married B is prepared to remarry a widow also with the consent of his first wife. In such a case, the marriage should be legalised and the children born to such remarried widow should be protected. They should not suffer. I am sure if this amendment is accepted widow remarriage will be promoted to a very great extent.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Will the member please read out the Clause as sought to be amended by him.

PRESIDENT: He has done it.

MR. P. C. KURIYAN (*Kottayam I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I object to this amendment. A mere hearing of Mr. S. J. Nair's grounds in support of his amendment is sufficient to carry with it its own condemnation.

The amendment was put to vote and lost.

The question that Clause 2 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Clauses 3 & 4.

The question that Clauses 3 and 4 do form part of the Bill was then put to vote and carried.

The Clauses were added to the Bill.

Clause 5.

MR. S. J. NAIR (*Nedumangad*): Sir, I move the following amendment:—

"*In Clause 5, line 4 omit the words that occur after the words "conferring upon her" and add the words "shall remain in force".*

If the amendment is accepted, the Clause would read thus:—

"No right or interest which any widow may have in her deceased husband's property by way of maintenance or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her shall remain in force".

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[Mr. S. J. Nair.]

The object of this amendment is to give equal status to widows who remarry with other ladies (non-widows) who marry and to give such widows the same property qualifications as the non-widow wives. No man earns property for the sake of strangers. The object of one's earning is to see that his wife and children enjoy them and not any distant relative. So, the rights over the property of the deceased husband must necessarily vest with the wife and her children. On the simple ground that a lady, after the death of her husband, marries another man, we shall not disqualify her from getting the property that was earned for her sake, as well as for her children.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I point out to Mr. S. J. Nair that the Clause as amended is defective in its wording "Conferring upon" will have no object.

MR. S. J. NAIR (*Nedumangad*): I submit for the consideration of the President that my two amendments must come together under Clause 5. The short title of the Clause should read :—

"Rights of widow not to cease on her remarriage".

PRESIDENT: The trouble is not with regard to the short title but with regard to the Clause itself.

MR. S. J. NAIR (*Nedumangad*): That can be suitably amended by the Law Member, Sir. (*Laughter.*)

MR. M. SIVATANU PILLAI (*Tovala*): Does the member think of a case of a widow who remarries or of a widow who never remarries?

MR. S. J. NAIR (*Nedumangad*): My idea is this. For the mere reason that a widow remarries, her rights over the property of her deceased husband shall not be taken away.

MR. M. SIVATANU PILLAI (*Tovala*): The amended Clause as made out by the member does not make any mention of a widow remarrying.

MR. S. J. NAIR (*Nedumangad*): It is not necessary, because the Clause reads thus :—

"No right or interest which any widow may have in her deceased husband's property by way of maintenance or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her shall remain in force".

This Bill is intended to help the remarriage of widows. We are dealing with widows who go in for remarriage. So, even without making any specific mention of that idea, it speaks for itself.

MR. K. R. ELENKATH (*Kalkulam I*): I second the spirit of the amendment.

PRESIDENT: Technically, I cannot allow members seconding the spirit of the amendment.

MR. K. R. ELENKATH (*Kalkulam I*): What is meant by the member is that a widow, after re-marriage, should not be dispossessed of the property which was intended for her maintenance. It may be very incongruous that a widow, after she has ceased to be the widow of the person from whose estate she claims maintenance should continue

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to enjoy the properties of her deceased husband, even after she has got a person to protect and maintain her. But, there are very hard cases in which young girls of 15 or 17, in the very bloom of their life, although poor, purely on account of their beauty and charm, might have been married by rich and influential men and may lose their husbands. Of course, their marriage value has got considerably diminished by their first marriage. So, should she not get at least the advantage of getting her deceased husband's estate which may prove an attraction for some young man to marry her? I do admit that in the case of widows who follow the Mitakshara law, for whom this Bill is intended, there is the fact that, soon after marriage she changes her family and becomes a member of her husband's family. Her remarriage leads to complications such as in the performance of religious rites. But, these are sentimental things which no law need take serious note of when the measure is for the public good. In some communities, absolute right over property is enjoyed by women. In the case of the Nair community, the woman inherits the property of the husband, and gets absolute right over it, and when she gets remarried she does not get divested of the property. She gets absolute right. Why should we deny that right to the women belonging to other communities?

MR. M. SIVATANU PILLAI (*Tovala*): Does a Hindu widow, following Mitakshara law, get absolute right over her husband's property?

MR. K. R. ELENKATH (*Kalkulam I*): No. It is very hard that a woman who had sacrificed everything for her husband should be divested of her right over her husband's estate. In the Select Committee, it was decided that if the husband expresses his desire that she might remarry, that might be allowed, and she might get the property of the husband. But, can we expect any woman, when her husband is in his death-bed, to request her husband to give his express consent for her remarriage? Will any woman, who has a heart, go to her husband in his death-bed and ask his permission for her remarriage? And, in case the husband and the wife had no love lost between them, of course, the husband will dispose of his property by a will; and the wife may not get it. We are here considering the case of good women who have led chaste lives. In the case of a woman who, after the death of her husband, has been leading an adulterous life, she does not cease to enjoy her right of the property of her late husband; but a woman who wants to live a chaste life and to take a second husband, her right over property is divested. I therefore think that this amendment should be given due consideration. I submit that there are many points in favour of the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to oppose the amendment. I oppose it not because I am not in sympathy with its object, but because, by the amendments introduced by the Select Committee we are going back practically to the British Indian Enactment of 1856 by enacting all the provisions contained in that Act. The difficulty was pointed out by the Law Member when this matter was discussed. This amendment, it was argued, was in contravention of the spirit of the Mitakshara Law, and however reasonable we might

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Mr. K. Kunjukrishna Pillai]

be, to accept it, there might be the necessity for collecting evidence, with regard to this matter, from the communities affected by this Legislation. I think, Sir, if this motion is pressed, there might be some such difficulty, and what little is sought to be gained by this Bill may also have to wait indefinitely. On that ground and that ground only, I oppose the amendment proposed by Mr. S. J. Nair, apart from its other defects which it will be very difficult to rectify at present. Under these circumstances, I appeal to Mr. S. J. Nair to withdraw this amendment on account of its obvious defects.

MR. S. J. NAIR (*Nedumangad*): Sir, I want to say a word in reply.

The object of the Bill is to promote the remarriage of widows.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Is it to permit, or to promote?

MR. S. J. NAIR (*Neduramgad*): To permit remarriage with a view to promote it. (*Laughter*). If that is the idea of this legislation, then the property of the deceased husband must devolve upon the widow unless and until that right is waived by the widow. No rich widow will care to go in for a remarriage and no man, widower or bachelor, will care to marry a poor widow if the widow would be divested of her properties consequent on remarriage. Consequently, this legislation if it is passed as it is will merely adorn our statute book, and will be practically a dead letter. So, in order to help as well as to promote remarriages of widows, it is highly essential that the right over the property of the deceased husband must necessarily rest and vest with the widow even after remarriage. I appeal to this House to seriously consider this question and to support my amendment. Then another objection that has been raised by my friend Mr. Kottur Kunjukrishna Pillai is that it is in contravention of the spirit of Mitakshara Law. Well, Sir, this is a special legislation; in the Mithakshara Law the widows are not at all allowed to remarry. We are making a new legislation in order to promote a new spirit that is prevalent in this country. I appeal to the House to accept my amendment.

The amendment was put to the vote of the House and lost.

The question that Clause 5 do stand part of the Bill was put to vote and carried.

Clause 5 was added to the Bill.

Clause 6.

MR. S. J. NAIR (*Nedumangad*): May I be permitted to move my two amendments together, as their object is the same.

PRESIDENT: Please do.

MR. S. J. NAIR (*Nedumangad*): I beg to move the following amendments to Clause 6.

"In Clause 6 line 1, omit the words "neither the widow nor any" and add the word "no": and omit the whole portion, including the proviso, that occur from line 3, after the words "of his children" and add the words "the widow shall be the guardian of the children".

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If this amendment is accepted the Clause will read like this:—

"On the remmarriage of a Hindu widow, if no other person has been expressly constituted by the will or testamentary disposition of the deceased husband as the guardian of his children, the widow shall be the guardian of the children."

Sir, my object is to empower the widow to be the legal guardian of the children, even after her remarriage. Sir, it is the natural right of a mother to be the legal guardian of her children. To divest her of this right is not only cruel but inhuman also. If the guardianship over the minor children is taken away from the mother, after the death of the father, there will be none to look after the interests of the children. So, in the interests of the children, who are to be the future citizens of the State the guardianship over minor children should vest with their mothers, who can never be replaced by anybody else. Whether she is a widow who has gone in for remarriage or whether she continues to remain a widow, the right of guardianship over her children shall not be divested of her.

There is another reason also for this amendment. In the face of this provision, no widow will care to remarry. Sir, the love and affection of a woman towards her children is more sacred than her love towards any man. Well, Sir, a woman would be prepared even to divorce her husband, but for no reason under the sun would a woman be prepared to desert her children. What I submit is that it is a natural right of a mother to be the guardian of her children. Sir, we do not see even in the case of wild animals, the mother deserting its young ones. Sir, that right to protect one's children is inborn, instinctive, and God-given; and no one can justify any legislation which is only man-made—to take away that right from a woman.

RAO SAHIB MAHAKAVI S. PARAMESVARA AIYAR (*Nominated*): Will not these children be an encumbrance to the new husband of the widow?

MR. S. J. NAIR (*Nedumangad*): No Sir; because the man goes in for the widow with open eyes, knowing full well that she has children by her first husband. If it had been an encumbrance on the part of the deceased husband, it would be an encumbrance on the new husband as well. But, Sir, this legislation is not intended for the interest of the new husbands of widows, but in the interest of the widows and in the interests of the coming generation. For that, the mother must be given the guardianship over her minor children. There is also another aspect of this question. When a widower marries he does not lose the right of the guardianship over his minor children by his deceased wife. So there must be equality of status so far as the widower and the widow are concerned, in the matter of the guardianship over minor children. With these words I appeal to this House, in consideration of humanity at large, to accept this amendment.

MR. K. P. KRISHNA MENON (*Parur*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I wish I had not to intervene in this debate since it relates to a social measure. But, I may perhaps explain the real position arising out of this amendment. Under the Hindu Law, the widow is not

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[Mr. Kayalam Parameswaran Pillai.]

ordinarily the legal guardian of the children upon the death of her husband. The Hindu Law lays down a list of persons who in order will be the guardians of the children after the death of the children's father; in that list, the widow comes only very far below—after the father's father, father's brother, and so on. If, however, in a particular case the widow happens to be the guardian of her children, that guardianship should not be divested by the mere reason of her remarriage. What is proposed by the Clause in the Bill is that the widow shall not claim to be the guardian of her late husband's children merely by reason of her remarriage. What Mr. S. J. Nair wants is that even a widow who would not have been a guardian before her remarriage, must be made the guardian immediately after her remarriage. That cannot be accepted.

There is an important reason in support of this Clause in the Bill as it is. The Clause is on a line with the corresponding Clause in the British Indian Act. It should be our endeavour to bring our enactment into a line with the British Indian Act, since this measure would apply to that class of people who follow the Mithakshara Law. By far the bulk, a large proportion, of such people live in British India. There is therefore no meaning in putting their brothers and sisters here, who form a small minority, under a different law. If we make any change, there must be some paramount reason for that. There is no such reason now.

MR. S. J. NAIR (*Nedumanagā*): Sir, the argument advanced against my motion is not at all convincing. Let me take the first argument, *viz.*, that this provision does not occur in the British Indian Acts. Well Sir, under Hindu Law, the remarriage of widows is not contemplated at all. So, we are not to accept the principles of Hindu Law. We are going to deviate. But the deviations must be in the interests of the parties concerned, and not against their interests. So, the argument that it goes against the spirit of the Hindu Law is no argument.

Another argument advanced by the Law Member is that, if we pass this amendment, we would become the minority in following a different law fro . those Hindus in British India who follow the Mithakshara Law. Well, Sir, on various things and on various occasions we have been the model to be followed by other Indian States, and British India as well. Take the case of the temple entry. The solution of that problem by His Gracious Highness Our Maharaja has set our State in the first rank, though we form only a minority. Our State has become now the cynosure of all the world. In this respect also, we must set a model by adopting this provision in this new legislation. With these words, I appeal to the House to accept my amendment.

The amendment was put to vote and lost.

The question that Clause 6 do form part of the Bill was put to vote and carried.

The Clause was added to the Bill.

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Clause 7.

MR. S. J. NAIR (*Nedumangad*): Sir, I move the following smendment.

In Clause 7, omit the words "Except as is provided in the preceding section, a widow shall not, by reason of her re marriage, forfeit any property or any right to which she would otherwise be entitled; and", that occur in lines 1 to 3.

By deleting this portion the Clause would read like this.

"Every widow who has remarried shall have the same rights of inheritance as she would have had, had such marriage been her first marriage."

Sir, my amendment speaks for itself. It intends to give equal right for the widow who has gone in for remarriage, as the widow who has not gone in for remarriage.

The amendment fell through for want of seconding.

The question that Clause 7 do stand part of the Bill was put to vote and carried.

The Clause was added to the Bill.

Preamble.

The question that the Preamble do stand part of the Bill was put to vote and carried.

The Preamble was added to the Bill.

Title.

The question that the Title do stand part of the Bill was put to vote and carried.

The Title was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So, before the Bill proceeds to the third reading I wish to make an amendment. Clause 1 (i) says "this Regulation may be called The Travancore Hindu Widows' Remarriage Regulation, 111." It is not known when this Regulation will come into force whether in 1112 or 1113. I would propose that the figures "111" be omitted,

MR. C. V. CHANDRASEKHARAN (*Director of Public Instruction*): I second it.

The amendment was put to vote and carried,

SRIMATI T. NARAYANI AMMA (*Nominated*): Sir, I move that the Bill be now passed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

The motion that the Bill be passed was put to vote and carried.

RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

ABOLITION OF THE OFFICE OF ASSISTANT SUPERINTENDENTS OF POLICE.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Sir, I move the following resolution :—

"This Assembly recommends to Government the abolition of the offices of Assistant Superintendents of Police."

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